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Customer Number

Patent  
Case No.: 51737US019

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: STEFELY, JAMES S.  
Application No.: 10/078805 Confirmation No.: 7639  
Filed: February 18, 2002  
Title: BIOCOMPATIBLE COMPOUNDS FOR SUSTAINED RELEASE  
PHARMACEUTICAL DRUG DELIVERY SYSTEMS

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</b>	
I hereby certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
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<hr/>	
Date	November 12, 2008 /Joyce M. Courtney/
Signed by: Joyce M. Courtney	

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 11203, Frame 338/39, on October 16, 2000. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 7,186,402 (referred to as the "Prior Patent"), by virtue of an assignment recorded at Reel 13864, Frame 351/53, on December 20, 2002.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of the Prior Patent. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to such Subject Patent and the

Prior Patent are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the Prior Patent, as presently shortened by any terminal disclaimer, in the event such Prior Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Documents establishing the chain of title of the Subject Application and of the Prior Patent (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Fees

- ☒ Any required fee under 37 CFR § 1.20(d) will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☐ Please charge any fees under 37 CFR §§ 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.

Respectfully submitted,

November 12, 2008

Date

By: /Ted K. Ringsred/

Ted K. Ringsred, Reg. No.: 35,658

Telephone No.: 651-736-5839

Office of Intellectual Property Counsel

3M Innovative Properties Company

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